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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,566	01/29/2004	Kiran K. Chada	69014-B/GJG	6434
7590 Gary J. Gershik Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 11036			EXAMINER CHANDRA, GYAN	
			ART UNIT 1646	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KIRAN K. CHADA,
ROLAND CHOUINARD, HENA ASHAR
and
ABU SAYED

Application 10/768,566
Technology Center 1600

Mailed: January 7, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal*.

BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 18, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

APPEAL BRIEF, SUMMARY OF CLAIMED SUBJECT MATTER

Appellants filed an Appeal Brief dated December 13, 2007. The Appeal Brief is not in compliance with 37 CFR § 41.37(c) effective September 13, 2004.

According to 37 CFR § 41.37(c) (v) (2006), the Appeal Brief must include the following:

(v) *Summary Of Claimed Subject Matter.* A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The “Summary of claimed subject matter” appearing on page 9 of the Appeal Brief is deficient because it does not separately map the independent claims (1, 17) to the specification. Correction is required.

APPEAL BRIEF, GROUNDS OF REJECTION

According to 37 CFR § 41.37(c)(1)(vi), the Appeal Brief must include the following:

(vi) *Grounds of rejection to be reviewed on appeal.*
A concise statement of each ground of rejection presented for review.

The “Grounds of rejection to be reviewed on appeal” appearing on page 10 of the Appeal Brief is deficient because it does not include a listing of the claims involved in the rejection. Correction is required.

APPEAL BRIEF, CLAIMS APPENDIX

According to 37 CFR § 41.37(c)(1)(viii), the Appeal Brief must include the following:

- (viii) *Claims appendix*. An appendix containing a copy of the claims involved in the appeal

Section 1205.02 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007), states that the copy of the claims should be a clean copy and should not include any markings such as brackets or underlining except for claims in a reissue application. Correction is required.

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed December 13, 2007 defective, as required by 37 CFR § 41.37(d);
- 2) to notify Appellants to submit a revised Appeal Brief which corrects the “Summary of claimed subject matter,” “Grounds of rejection to be reviewed on appeal,” and “Claims appendix”;
- 3) to acknowledge and consider the revised Appeal Brief; and
- 4) for such further action as may be required.

Application 10/768,566

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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